IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

OP.No. 33863 of 2000(S)

OA.981/1997 of CENTRAL ADMINISTRATIVE TRIBUNAL,EKM., BENCH
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PETITIONER:
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1. N.P.SREENIVASAN, SENIOR P.A.,
CENTRAL PLANTATION CROPS RESEARCH
INSTITUTE, KASARAGOD.

2. K.SADANANDAN, (SENIOR CLERK),
CENTRAL MARINE FISHERIES RESEARCH,
INSTITUTE, GENERAL SECRETARY,
CENTRAL MARINE FISHERIES RESEARCH
INSTTITUE EMPLOYEES ASSOCIATION.

3. C.MOHANAN, SUPERINTENDENT,
CENTRAL PLANTATION CROPS RESEARCH
INSTITUTE, KASARAGOD.

4. V.P.NITHYANANDAN, ASSISTANT,
CENTRAL PLANTATION CROPS RESEARCH
INSTITUTE, KASARGOD.

5. A.ARUMUGHAN, ASSISTANT,
CENTRAL MARINE FISHERIES RESEARCH
INSTTITUE, COCHIN

6. T.AK.SARALA, SUPERINTENDENT,
CENTRAL INSTITUTE OF FISHERIES
TECHNOLOGY, COCHIN

7. R.S.SHANMUGHAN, SUPERINTENDENT,
CENTRAL INSTITUTE OF FISHERIES,
TECHNOLOGY, COCHIN

8. V.R.KESAVAN, ASSISTANT,
CENTRAL INSTITUTE OF FISHERIES,
TECHNOLOGY, COCHIN

9. A.K.OMANA, STENOGRAPHER,
CENTRAL MARINE FISHERIES RESEARCH
INSTITUTE, COCHIN

10. R.VASANTHA,
STENOGRAPHER, CENTRAL INSTITUTE OF
FISHERIES, TECHNOLOGY, COCHIN

11. M.K.SARASWATHI, STENOGRAPHER,
CENTRAL INSTITUTE OF FISHERIES
TECHNOLOGY, COCHIN

12. V.P.VIJAYAKUMARI, STENOGRAPHER,
CENTRAL INSTITUTE OF FISHERIES
TECHNOLOGY, COHIN

BY ADV. SRI.P.V.MOHANAN
SRI.B.S.SIVAJI

RESPONDENTS:
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1. THE DIRECTOR,
CENTRAL PLANTAITON CROPS RESEARCH
INSTITUTE, KASARAGOD.

2. THE DIRECTOR, CENTRAL MARINE FISHERIES-
RESEARCH INSTITUTE, COCHIN

3. THE DIRECTOR,
CENTRAL INSTITUTE OF FISHERIES TECHNOLOGY,
COCHIN.

4. THE DIRECTOR GENERAL,
INDIAN COUNCIL OF AGRICULTURAL RESEARCH,
KRISHI BHAVAN, NEW DELHI

5. THE SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF EXPENDITURE, NORTH BLOCK
NEW DELHI

BY ADV. SRI.P.PARAMESWARAN NAIR, CGC
SRI.P.JACOB VARGHESE, SC, ICAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 33863 of 2000

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE ORDER IN O.A.981/97 DATED 16.3.00 BY THE CAT.

EXTP2- TRUE COPY OF THE ORDER F.NO.24(2)/89-CDN (A &A) DATED 24.8.90 BY THE 4TH RESPONDENT

EXT.P3- TRUE COPY OF THE ORDER IN O.A.1254/91 DATED 9.7.93

EXTP4- TRUE COPY OF THE ORDER F.NO.6(B)/91-ESTT.II DATED 7.6.95 BY THE 4TH RESPONDENT

EXT.P5- TRUE COPY OF THE PROCEEDING F.NO.P.15(8)/96-ESTT.I DTED 16.6.97 BY THE 4TH RESPONDENT

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

O.P.33863/2000

Dated this the 18th day of July, 2007

JUDGMENT

Radhakrishnan, J.

Writ petition is preferred seeking a writ of certiorari to quash the order in O.A.981/1997 passed by the Central Administrative Tribunal and also for a direction to set aside Ext.P5 so far as it does not extent the scale of pay of Rs.1640-2900 to Assistants/Stenographers working in the Institutes of Indian Council of Agricultural Research with effect from 1.1.1986 and also for other consequential reliefs.

2. Petitioners seek the fixation of the scale of pay of Rs.1640-2900 with effect from 1.1.1986. They were however granted the benefit only with effect from 16.6.1997 on unification of the cadres of Assistants/Stenographers Gr-II at the ICAR Headquarters and its research institutes. Before 16.6.1997 such a fixation could not have been granted since the appointment and recruitment of the ICAR institutes and Headquarters were different. Further the post of

stenographers in the Institutes were not comparable with that of their counter parts at the Headquarters at the time of implementation of third Pay Commission. Pay scale for the Institutes were adopted on the pattern of the Subordinate Offices of the Government of India whereas for the ICAR Headquarters, pay scales of the Central Secretariat Offices were adopted.

3. We find on a direction by the CAT, New Delhi, the Government had decided to adopt the pay scale of Rs.1640-2900 for the pre-revised pay scale of Rs.425-800. Similarly, in the case of Stenographers who were in the pre-revised pay scale of Rs. 425-700, the Government had adopted the revised pay scale of Rs.1400-2600 instead of Rs.1400-2300 on the award of the Board of Arbitration. Therefore it cannot be said that there was any discriminatory treatment in adopting the pay scale of Rs.1640-2900 for the Assistants and Stenographers at ICAR Headquarters, since they were in the higher pay scale of Rs.425-800 before implementation of the recommendations of the IV CPC, than their counterparts working at the ICAR Institutes.

On the whole, it may be noted that the difference between the Assistants and Stenographers working in the Research Institutes as well as those Assistants and stenographers in the ICAR Headquarters is discernible not only in the recruitment but also in the nature of pay scales and other service benefits.

4. In such circumstances, contention of the petitioners that discriminatory treatment has been made in the case of the Assistants and Stenographers at ICAR institutes cannot be accepted. We, therefore, find no infirmity in the order passed by the Tribunal. Hence the petition is dismissed.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

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